

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONALD LANE,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 08-4151
	:	
JOHN E. POTTER, Postmaster General,	:	
Defendant.	:	

**MEMORANDUM AND ORDER**

The defendant filed a Motion for Summary Judgment on January 29, 2010.

Despite the lack of response to that motion, the court recognizes the need to carefully review the pending motion.

That review confirms that plaintiff has no evidence, other than his own belief, of discrimination or retaliation. An alleged statement by Joseph Quinn is the only evidence which would support plaintiff's case, but that is not admissible. The defendant's brief on this subject (p. 10) accurately sets forth the law in that regard.

Even assuming plaintiff can make out a *prima facie* case of discrimination or retaliation, there is no evidence on this record from which a reasonable jury could disbelieve the defendant's legitimate business reason or believe that an invidious discriminatory reason was more likely.

Accordingly, the following order is entered:

**AND NOW**, this day 24<sup>th</sup> day of February, 2010, upon consideration of defendant's Motion for Summary Judgment, supporting Memorandum of Law, it is hereby

**ORDERED** that defendant's Motion (Docket No. 19) is **GRANTED**. Summary Judgment is entered in favor of Defendant John E. Potter and against Donald Lane.

This case is **CLOSED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*

RONALD L. BUCKWALTER, S.J.